

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2060.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	September 23, 2003
DATE OF REPORT:	October 21, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 26, 2003

COMPLAINT ISSUES:

Whether the Plainfield Community School Corporation and West Central Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to:

- a. provide the services of an instructional assistant during each class period in a general education classroom from August 25, 2003, through September 15, 2003;
- b. implement the following accommodations on classroom tests:
 - i. provide charts and maps outlined in different colors, with no same color touching; and
 - ii. provide a word bank.

FINDINGS OF FACT:

1. The Student is thirteen years old and eligible for special education and related services due to a learning disability and other health impairment.
2. On August 25, 2003, the case conference committee (CCC) revised the Student's individualized education program (IEP) by clarifying that an instructional assistant was to be provided for 3 weeks in each period in general education classrooms. It is undisputed that an instructional assistant was provided during each period other than advisor-advisee time at the beginning of the school day and choir at the end of the school day.
3. The School did not assign an instructional assistant for the advisor-advisee time or for choir because the School understood the IEP to call for the services of an instructional assistant only for academic courses. The School acknowledges that its understanding was not reflected in the IEP, taken literally.
4. The IEP, as developed August 6, 2003, called for 22 accommodations, among which were the following testing accommodations:

Charts and maps will be outlined in different colors with no same color touching on tests.
Provide a word bank on tests.
5. The Complainant acknowledges that these testing accommodations were sometimes provided. The School acknowledges that these testing accommodations were sometimes not provided, due to human error.

6. The teacher of record has followed up by conferring with the Student's general education teachers. The Complainant has noted that testing accommodations have been provided consistently since the filing of this Complaint.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the School did not provide the services of an instructional assistant during each class period in a general education classroom from August 25, 2003, through September 15, 2003. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
2. Findings of Fact #4 and #5 indicate that certain testing accommodations were not utilized 100% of the time. Therefore, a violation of 511 IAC 7-27-7(a) occurred by failing to provide charts and maps outlined in different colors and to provide a word bank, on some tests. However, Finding of Fact #6 indicates that appropriate corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

On or before December 8, 2003, Plainfield Community School Corporation and West Central Joint Services shall submit to the Indiana Department of Education, Division of Exceptional Learners, an assurance letter that IEPs shall be implemented as written.